

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65781 of 2022

Arising Out of PS. Case No.-250 Year-2018 Thana- DAGARUA District- Purnia

MD. NOUSEN @ RAJA Son of Late Gulam Rasool Resident of Dariyapur,
P.S- Dagarua, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 07.12.2018 in connection with S.T. No.42 of 2022 arising out of Dagarua P.S. Case No. 250 of 2018, F.I.R. dated 04.12.2018 registered for the offence punishable under Section 392 of IPC and police, after investigation, submitted chargesheet under Sections 397,395 and 400 of IPC and the learned Magistrate has also taken cognizance under Sections 397, 395 and 400 of IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is



false and fabricated. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Mir Siraj. Further submits that nothing has been recovered from conscious possession of the petitioner. Further submits that the looted amount has been recovered from possession of the petitioner but the recovered amount has never been put on TIP by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.12.2018.

Vide order dated 17.03.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 27.03.2023 reveals that the charge has been framed against the petitioner on 28.02.2020 and till date prosecution has not examined any witness.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 07.12.2018.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits



that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Purnea in connection with S.T. No.42 of 2022 arising out of Dagarua P.S. Case No. 250 of 2018, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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